

REMARKS

In response to the Office Action mailed February 11, 2009 the Applicants argued that Claims 44 and 45 should not be canceled because they were non-elected species, and not non-elected inventive groups. The Applicants believe the current Notice of Non-Compliance is related to this argument, wherein the Examiner is requesting that these claims should be given a "Withdrawn" status.

The Applicants respectfully request that the Examiner consider whether a typographical error was made on the instant action requesting that Claim 43 be withdrawn (instead of Claim 45). The Office Action mailed February 11, 2009, and all previous Office Actions, indicate that Claim 43 is pending and under examination (unlike Claims 44 and 45 that are now listed as withdrawn).

This response assumes that Claim 43 is pending and the Notice of Non-Compliance was intended to request withdrawal of Claims 44 and 45. The Status Identifiers of Claims 44 and 45 have been corrected. The Applicants, however, respectfully retains the right of rejoinder for Claims 44 and 45 occur once the Examiner finds Claim 41 allowable.

CONCLUSION

The Applicants believe that the arguments and claim amendments set forth above traverse the Examiner's rejections and, therefore, request that all grounds for rejection be withdrawn for the reasons set above. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, the Applicants encourage the Examiner to call the undersigned collect at 781-828-9870.

Dated: August 6, 2009


Thomas C. Howerton
Registration No. 48,650

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
781-828-9870